

REMARKS

Reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

At the outset, applicant's counsel wishes to express his appreciation for the thorough examination of this application by Examiner Vincent.

In order to rapidly expedite the prosecution of this application, method claim 9 has been canceled without prejudice and claim 1, the only independent claim in the case has been amended to even more particularly point out the advantageous inventive features distinguishing applicant's contribution over the prior art being relied upon by the Examiner.

More specifically, claim 1 has been amended herein to now require that the "customer interface unit means" includes input means for transmitting an input signal designating a specific geographic region to said central station assembly means, and further that the "central station assembly means" includes means responsive to the aforementioned input signal for interconnecting a selected receiver means to the customer interface unit means corresponding to the designated specific geographic region. Finally, claim 1 has been additionally

amended to require that the central station assembly means further includes means for presenting a menu of program selectable choices corresponding to different broadcast signals present in said designated specific geographic region to said customer interface unit following receipt of said input signal designating a specific geographic region.

None of the references being relied upon to reject the claims under § 102 or § 103, taken singly or together, teaches or suggests such novel arrangement of structure. In **Wagner**, digital audio signals are transmitted from site-to-site over an ISDN network. This is a far cry from applicant's unique remote listening system which uses a plain old telephone system to inquire and then obtain an "off the air" broadcast signal anywhere in the world by inputting a geographic reference (signal) corresponding to the geographic area where the signal is normally being broadcast. **Glick** similarly is deficient in anticipating or suggesting applicant's system, particularly as is now set forth in detail in claim 1, as amended. In this regard, applicant notes that **Glick** was relied upon as a secondary reference merely to show that AM/FM tuners, TV tuners, and volume, bass and treble controls, etc. are known in the context of a remote-controlled entertainment system based around a personal computer. Thus, neither **Wagner**, nor **Glick**, taken individually or together, shows or suggests applicant's claimed system with its uniquely organized customer interface unit, input means for generating

a geographic reference signal, central station assembly, menu selection means, and so on, all as specified in combination in claim 1, particularly as amended herein. Accordingly, claim 1 is believed to avoid the rejections under 35 U.S.C. §§ 102 and 103 based upon the foregoing references to **Wagner** and/or **Glick**, and should be allowed forthwith.

Claims 2 through 8 and new claim 10-11 depend from and further restrict claim 1. Because these dependent claims inherit the patentably distinct features of claim 1, as amended, they also are believed allowed for at least the same reasons advanced above.

With respect to the grounds of rejection of claim 1, and others, under 35 U.S.C. § 102(b) and under 35 U.S.C. § 103 based upon the personal knowledge of the Examiner, such "personal experiences" do not qualify as prior art. Accordingly, should the Examiner persist in repeating these grounds of rejection, suitable prior art substantiating the "personal experiences" of the Examiner should be placed in the record. In any event, it is noted further that the personal experiences of the Examiner as related in the outstanding Office Action do not correspond to the particular subject matter now set forth in parent claim 1, as amended herein. For example, the system as now claimed is not a computer-to-computer system. It is a POTS uniquely modified in an unobvious manner to selectively capture off the air broadcast

signals all over the world using an input-menu system, a central processing system, and network of geographically dispersed receiving units, all arranged as recited in detail in the claims. While in "hindsight" applicant's claimed system may seem obvious to the Examiner, it is never proper to use such hindsight to support a rejection under the statute. Accordingly, the rejections under §§ 102 and 103 based upon the "personal experience" of the Examiner should also be withdrawn.

It is noted with due appreciation that the drawings have not been objected to by the Official Draftsperson under 37 CFR 1.84 or 1.152.

All grounds of objection and rejection having been overcome by this Amendment, the application now is believed to be in condition for immediate allowance containing allowed claims 1-8 and 10-11, and such favorable action earnestly is solicited.

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The Examiner is encouraged to telephone the undersigned to resolve any issues still present in the application and to expedite the prosecution of the application, should the Examiner believe such a telephone conference would be helpful.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this **Amendment Under 37 CFR § 1.111** is being deposited on April 29, 1998 the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Signature: 

Date Signed: April 29, 1998